

Homerton University Hospital NHS Foundation Trust  
**Overseas Patients Presentation to Council of  
Governors October 2018**

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## Eligibility Criteria for Free NHS Treatment

- The UK's healthcare system is a residence-based one, which means entitlement to healthcare in the UK is based on living lawfully in the UK. This contrasts with many other countries which have insurance-based healthcare systems.
- The test of residence that the UK uses to determine entitlement to free NHS healthcare is known as “**ordinary residence**”. An overseas visitor is defined in the Charging Regulations as anyone who is not ordinarily resident in the UK.
- A person is not ordinarily resident in the UK simply because they have British nationality, hold a British passport, have an NHS number or are paying National Insurance contributions and taxes in the UK.
- When assessing the ordinary residence status of a person seeking free NHS services, a relevant body will need to consider whether they are “*living lawfully in the United Kingdom voluntarily and for settled purposes as part of the regular order of their life for the time being, whether of short or long duration*”.



## Examples of Eligibility Criteria

- Some examples of how “ordinary residence” works in practice are as follows:
  - Nationals of countries outside the European Economic Area (EEA) must have indefinite leave to remain in the UK in order to be “ordinarily resident” here.
  - Temporary migrants coming to the UK lawfully for six months or more from outside the EEA can pay an “immigration surcharge” and are then entitled to NHS care on the same basis as a person “ordinarily resident” in the UK.
  - Nationals of the EEA are usually deemed to be “ordinarily resident” in the UK.
  - A UK citizen whose work takes them out of the UK for the majority of the time but whose home, which they return to between trips, remains in the UK will still be ordinarily resident here. This would apply to for example a pilot or a member of cabin crew.
  - However a UK citizen who works and is settled in one place overseas and only spends a few weeks of the year in the UK visiting family would usually not be viewed as being “ordinarily resident” in the UK.



## New Mandatory Regulations October 2017

- In October 2017 the Charges to Overseas Visitors regulations were amended to include new mandatory provisions as follows:
  - NHS bodies must make and recover charges from overseas visitors where relevant services have been provided to them and no exemption applies.
  - All relevant bodies must recover an estimate of the cost of treatment in advance of providing treatment, unless doing so would prevent or delay the provision of immediately necessary or urgent services.
  - All NHS Trusts and foundation trusts must record when a person is an overseas visitor on that person's "consistent identifier" (i.e. against their NHS number).



## Current Overseas Process at Homerton

- Homerton Hospital has an Overseas Visitors Advisor (OVA) whose role is to identify chargeable overseas patients and to advise on the application of the Overseas Visitor Charging Regulations.
- The OVA is not however responsible for deciding whether a patient should be treated – this decision rests with the clinical team.
- The OVA receives a report each week from the Information Team showing all outpatient appointments for the next week where the patient is either not registered with a GP or has a recently allocated NHS number – these indicators act as prompts to identify patients who need further investigation.
- The OVA may also be informed of possible overseas patients requiring investigation by staff in clinical areas where the patient has been directly admitted from A&E or another hospital.
- Pre-attendance letters were previously sent out with all new Outpatient appointment letters, however these have been discontinued due to the move to patient self-check in kiosks in Outpatients.



## The Way Forward

- The NHS Improvement Overseas Visitors Improvement Team recently visited the Trust to review our processes for identifying and charging Overseas Visitors.
- This visit made it clear that the focus from NHS Improvement is very much on the potential “income opportunity” that is believed to be available to the Trust via identifying and charging overseas patients.
- It was suggested that the Trust should consider setting up an Overseas Steering Group with an identified Senior Responsible Officer to assist in improving and building on current processes.
- Targeted training was also recommended across all staff groups.

